

United States District Court
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
OCT - 2 2013
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES OF AMERICA

v..

JACOB PECKHAM

Case No.

MJ-13-392

AMENDED COMPLAINT

I, Michael Northcutt the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 18, 2013, in the county of Spokane in the Eastern District of Washington, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(1)


Offense Description

Felon in Possession of Firearm and Ammunition

This complaint is based on these facts:

That on or about the date of June 18, 2013, in the Eastern District of Washington, JACOB PECKHAM, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, one firearm and approximately seven rounds of ammunition, to wit: a Smith & Wesson, model 19, .357 caliber revolver, bearing serial number 26K8564; approximately four rounds of ammunition, bearing head stamp "RP 357", one round of ammunition, bearing head stamp "CCI 357", and two rounds of ammunition, bearing head stamp "REM UMC 38 SPL", which firearm and all ammunition had theretofore been transported in interstate and foreign commerce, in violation of 18 U.S.C. § 922(g)(1).

☒ Continued on the attached sheet.



Complainant's signature

Michael Northcutt, Special Agent

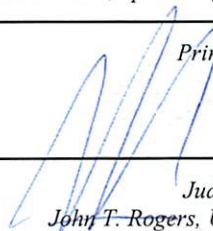
Printed name and title

Sworn to before me and signed in my presence.

Date: October 2, 2013

City and state: Spokane, Washington

complaint.frm



Judge's signature

John T. Rogers, United States Magistrate Judge

Printed name and title

AUSA Assigned: *LSLS*

Re: Complaint and Arrest Warrant for Jacob Peckham

AFFIDAVIT

STATE OF WASHINGTON)

:ss

County of Spokane)

Michael Northcutt, being first duly sworn on oath, deposes and states:

1. Your affiant is a Special Agent (S/A) of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This affidavit is in support of a criminal complaint against Jacob PECKHAM.

2. Your affiant is employed by ATF as a Special Agent and has been so employed since September of 2001. Your affiant has a Bachelor of Arts degree from Concordia College in Business Administration. Your affiant received a Jurist Doctorate from the University of Montana Law School. Your affiant is a graduate of the Federal Law Enforcement Training Center, Criminal Investigator Training Program, as well as the ATF New Professional Training. These courses of study totaled 23 weeks of training. Your affiant has participated in the execution of numerous state and Federal search warrants, including searches for evidence related to the illegal possession or use of firearms and ammunition. Your Affidavit of Michael Northcutt affiant has consulted with other Special Agents in the ATF who have many years of experience in working firearms investigations. Your

affiant has completed the Firearms Interstate Nexus Training Course in Washington, D.C., which provides training in the recognition and identification of firearms and ammunition and their place of manufacture, and has provided numerous firearm and ammunition Interstate Nexus opinions.

3. As a result of your affiant's training and experience as a Special Agent for the ATF, he is familiar with the Federal firearms laws and knows that it is a violation of Title 18, United States Code, Section 922(g)(1) for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to receive, possess or transport any firearm or ammunition in or affecting interstate or foreign commerce, or any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

4. The information set forth in this affidavit is not intended to detail each and every circumstance of the investigation or all information known to me or the investigative participants. Rather, this affidavit serves to document and illustrate the scope of the alleged activities and facts and circumstances necessary to establish that probable cause exists to believe that Jacob Peckham unlawfully possessed a firearm in violation of Title 18, U.S.C., Section 922(g)(1).

5. The following is based upon your affiant's own investigation and information your affiant received from the Spokane Police Department (SPD), and other State and Federal agencies.

6. On June 18, 2013, SPD Officer Jeremy Daniel was on patrol in Spokane, Washington, and observed Jacob Peckham (Peckham) riding a bicycle at the intersection of Empire and Cincinnati Streets. Officer Daniel was familiar with Peckham and determined Peckham had three outstanding arrest warrants. Officer Daniel began to pursue Peckham in his patrol car.

7. During the pursuit Officer Daniel observed that Peckham had dropped his bicycle and backpack and was running from Officer Daniel. Officer Daniel apprehended Peckham on Garland Street and placed him under arrest. Other members of the SPD Patrol Anti Crime Team (PACT) arrived and recovered Peckham's bicycle and backpack.

8. SPD Sergeant Eckersley searched Peckham incident to arrest and recovered a bullet head-stamped "REM UMC 38 SPL" from Peckham's right front pants pocket. Peckham made the unsolicited statement that he had found the bullet at his uncle's house and put it in his pocket. Other officers began searching the area Peckham had run through for a firearm he may have discarded. Officer Jerry Anderson located a firearm in some foliage between a garage at 907 E. Empire and the fence that separates 903 E. Empire from 907 E. Empire, about 10 feet from where Peckham's backpack was recovered.

9. The recovered firearm is a Smith & Wesson, model 19, .357 caliber revolver, serial number ^{26K8564 M.N.}~~975H5~~. The revolver was loaded with 6 rounds of ammunition, 4 head-stamped "RP 357", one head-stamped "CCI 357" and one head-stamped "REM UMC 38 SPL" (identical to the round of ammunition found in Peckham's pocket). Officers ran the firearm for stolen and determined it was not reported stolen.

10. Officer Daniel told Peckham that officers had recovered a firearm and Peckham stated: "Man, I'm carrying that for protection. There are people trying to get me." Officer Daniel told Peckham that before he made any more statements, he wanted to read him his Warning of Constitutional Rights. Officer Daniel read Peckham his rights which Peckham waived. PECKHAM stated that the firearm he threw in the backyard was a .357, that he had been carrying it on his hip area inside his waistband, and that he had quickly thrown the gun towards the weeds and the ground.

11. Officers submitted the firearm and ammunition for fingerprint processing to the Spokane Police forensic Unit. A fingerprint was identified on the revolver but it was of insufficient quality and quantity to make an identification.

12. Your affiant has reviewed Peckham's NCIC criminal history, which shows Peckham has adult felony convictions in the Spokane County, Washington,

Superior Court, for: Possession of a Controlled Substance (9/13/06); two counts of Attempt to Elude (9/13/06); two counts of Possession of Stolen Property 1st (9/13/06); and Possession of a Controlled Substance (6/17/09).

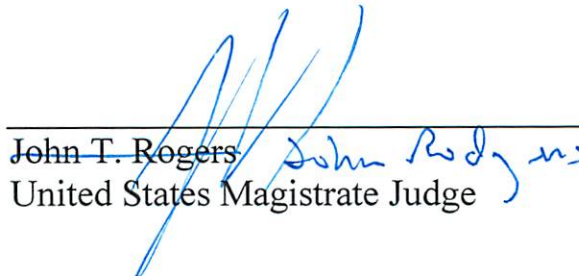
13. SA Northcutt knows, from his training and experience as a Firearms Interstate Nexus Expert, and from his examination of the ammunition and firearm, that the ammunition and firearm were not manufactured in the state of Washington and thereby have travelled in interstate commerce.

14. Based upon the information above and your affiant's knowledge and experience, your affiant believes that probable cause exists to believe that Jacob PECKHAM unlawfully possessed a firearm and ammunition in violation of Title 18, U.S. Code, Section 922(g)(1).



Michael L. Northcutt, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

SUBSCRIBED AND SWORN to before me this 2nd day of October, 2013.


John T. Rogers
United States Magistrate Judge